

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

PEN PAL, LLC (d/b/a "Pen Pal")	:	CASE NO. 2:23-cv-2871
	:	
Plaintiff	:	JUDGE: SARAH D. MORRISON
	:	
v.	:	MAGISTRATE JUDGE:
	:	CHELSEY M. VASCURA
Sahar Mizra (d/b/a "Pen Patrol")	:	
	:	
Defendant	:	PLAINTIFF'S REPORT AND
	:	RENEWED MOTION FOR
	:	ALTERNATIVE SERVICE

Plaintiff, Pen Pal, LLC (hereafter, "Pen Pal"), by and through counsel, respectfully provides the attached report and moves this Court for an order, pursuant to Federal Rules of Civil Procedure 4(f)(3), authorizing alternate service of process, service by publication, of the Summons and Complaint upon Defendant, Sahar Mizra d/b/a Pen Patrol, (hereafter, "Ms. Mizra") in the Present Action.

The reasons supporting this motion are more fully set out in the accompanying memorandum in support.

**MEMORANDUM IN SUPPORT OF PLAINTIFF'S REPORT
AND RENEWED MOTION FOR ALTERNATE SERVICE**

I. INTRODUCTION / BACKGROUND

Pursuant to the Court's Order of November 15, 2024 (ECF 19), Pen Pal hereby reports that it has uncovered no additional information regarding Defendant Sahar Mizra.

Pursuant to the Court's Orders of August 15, 2024 (ECF 18) and November 15, 2024 (ECF 19), Pen Pal hereby files this report and renewed motion respectfully requesting the Court allow alternative service, namely, service by publication, of Pen Pal's Complaint in the present action. The instant motion provides the details of Pen Pal's proposed service for the Court's consideration under Rule 4(f)(3).

II. REQUEST FOR EXTENSION OF TIME TO FILE

Plaintiff Pen Pal respectfully moves this Court for a 4-day extension of time to file the instant report and renewed motion for alternate service, namely, service by publication, of Pen Pal's Complaint in the present action. The instant motion provides the details of Pen Pal's proposed service for the Court's consideration under Rule 4(f)(3).

II. PROPOSED SERVICE BY PUBLICATION

Plaintiff proposes publishing a notice in the newspaper The Jerusalem Post. According to Wikipedia, The Jerusalem Post has a circulation of approximately 90,000 daily and 120,000 on weekends. (See https://en.wikipedia.org/wiki/The_Jerusalem_Post) The proposed notice would include the Summons for the present action and a web address (URL) to enable Ms. Mizra to download the Complaint and Exhibits. The proposed notice would be published every

consecutive day for four weeks. Plaintiff's proposal is consistent with case law cited by the Court regarding service by publication.¹

III. CONCLUSION

For the foregoing reasons, Plaintiff, Pen Pal, respectfully requests this Court GRANT the instant motion and authorize alternative service of the Summons and Complaint under rule 4(f)(3) as proposed by Plaintiff, or in any manner the Court deems appropriate to satisfy due process.

Dated: November 26, 2024

Respectfully submitted,

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¹ See, e.g., *S.E.C. v. Tome*, 833 F.2d at 1091 (finding that publication in The International Herald Tribune for four successive weeks was sufficient); *List v. Carwell*, 2018 WL 6787662, at * 5 (finding that publication on Sunday for four consecutive weeks in The Province, one of two major newspapers of general circulation in British Columbia, was “reasonably calculated under all of the circumstances to apprise [defendant] of the pendency of this action”); *Majestic Enters. Collision Repair, Inc.*, 2011 WL 767890, at *3 (finding that publication of a summons directed to defendant, along with the website address where the complaint is posted, once a week for four weeks in the Youngstown Vindicator—a newspaper widely circulated in the area of defendant’s last known address—satisfied due process); *Smith v. Islamic Emirate of Afghanistan*, 2001 WL 1658211, at *3 (finding that publication in several identified Afghani and Pakistani papers and several broadcasters, satisfied due process for service upon Osama Bin Laden).